

JOURNAL OF THE SENATE

OF THE

STATE OF TEXAS

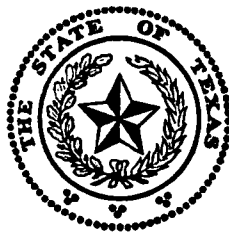
REGULAR SESSION

OF THE

FORTY-EIGHTH LEGISLATURE

CONVENED JANUARY 12, 1943

ADJOURNED MAY 11, 1943



The Capital Printing Company

Senate Resolution 35

(Committee to Investigate Free Text-book Matters)

Senator Metcalfe offered the following resolution:

Whereas, The State of Texas is expending for free textbooks to be used in the public schools from \$1,500,000 to \$2,000,000 each year; and

Whereas, There are now pending before the Legislature several bills proposing to alter the subjects in adoption, and the method of administration in the purchase and distribution of textbooks; and

Whereas, It is desirable that the Legislature acquire impartial information concerning the efficiency and compatibility of the administrative methods now prescribed by law, and concerning the costs and use of textbooks, and such other data as may be needful to assist the Legislature in determining whether to continue or to change present laws and provisions relating to the purchase, distribution and use of free textbooks in the public schools of this State; now, therefore

Resolved by the Senate of the State of Texas:

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a committee of five Members of the Senate to sit at such time and places between this date and the date of the adjournment of the Regular Session of the Forty-eighth Legislature, as may to said committee seem necessary and proper; and to inquire into any other affairs and activities of governmental departments, institutions, persons, firms or corporations of whatever kind and character, as such activities

is any way affect the situation above set forth, and shall have authority to investigate and inquire into such matters.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Sec. 3. That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt any one disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files and any and all other instruments and documents pertinent to the matter under investigation by said committee, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three Members of such committee shall constitute a quorum for the transaction of official business.

Sec. 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Sec. 5. Said committee shall have power and authority to employ and

compensate all necessary investigators, auditors, clerks, stenographers, and any other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Sec. 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice; and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee on request of chairman or Members of said committee.

Sec. 7. That said committee shall submit a report in writing to this Legislature at the earliest practicable time, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the Forty-eighth Legislature and out of any fund otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-eighth Legislature to meet the payment of such per diem and expenses of the Members of said committee, witnesses, fees, and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

The resolution was read and was adopted.

In accordance with the provisions of the resolution, the President appointed the following committee:

Senators Metcalfe, Lemens, Aikin, Morris, and Bullock.

SIXTY-SEVENTH DAY

(Tuesday, May 11, 1943)

**Report of Committee to Investigate
Matters Pertaining to Textbooks**

Senator Metcalfe submitted the following report:

Austin, Texas,
May 10, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee appointed under authority of S. R. No. 35 to investigate the situation of text books, their purchase, distribution, replacement, rebinding, etc., beg leave to report back as follows:

In spite of pressure of session meetings we have held preliminary hearings and laid excellent groundwork for the development of legislation that will be of permanent benefit in the solution of the problem existing by reason of the furnishing

of free text books to the children of Texas.

We have had the help of an Assistant Attorney General, and have had before us the State Superintendent of Public Instruction, several members of the State Board of Education, the head of the Textbook Division of the State Department of Public Instruction, and the operator of a book rebinding company.

All hearings of the committee to date have been without cost to the Senate inasmuch as the testimony was taken down and transcribed by the regular secretaries of the Members of the Senate and no expense has been had to secure witnesses.

These preliminary hearings indicate that there is a real need for a complete study and careful revision of the laws governing free text books in Texas to the end that a system be formulated that will be adequate and efficient.

METCALFE, Chairman.

Senate Resolution 103

Senator Cotten offered the following resolution:

Whereas, The committee appointed under authority of S. R. No. 35 to investigate the free text book situation in Texas has made good preliminary progress towards its objective; and

Whereas, These investigations have developed a real need for further study of the entire matter to the end that proper laws may be drafted to solve this perplexing problem; now, therefore, be it

Resolved by the Senate of Texas, That this committee be continued after adjournment of the Legislature and that it be directed to study and investigate the situation as to free text books and such other matters affecting the schools of Texas as in its wisdom it may see fit and make its recommendations thereon to the next Regular Session of the Legislature, and that in carrying out the direction herein contained that the said committee shall have and execute all powers and authority granted and vested it in under the provisions of S. R. No. 35 and this resolution.

On motion of Senator Cotten, and by unanimous consent, the reading of the resolution was dispensed with and it was adopted.

Communication from Honorable Vernon Lemens

At the direction of the President, the Secretary read the following communication:

Headquarters, Camp Hood,
Camp Hood, Texas

April 26, 1943.

Hon. John Lee Smith, President of the Senate.

Dear Sir: Military duties prevent the full discharge of my work as a member of the committee investigating textbook purchases, etc., of which Senator Metcalfe is chairman. Please accept this letter as my resignation from membership on this committee.

It is my hope that you will accept this resignation at an early date, in order that another Senator may be appointed to serve in my stead.

Very respectfully,
VERNON LEMENS.

Appointment of Member of Committee to Investigate Matters Pertaining to Textbooks

The President announced the appointment of Senator Lane as a member of the committee to investigate matters pertaining to free textbooks, to succeed Senator Lemens, resigned.